

Message Text

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TAGS: ESTC, SZ, FI, SW, AU
SUBJECT: STUDY OF EXPORT CONTROLS ON PRODUCTS AND
- TECHNOLOGY

REF: A. STATE 39145, B. 77 VIENNA 10387, C. VIENNA A-008

1. FOLLOWING INFORMATION IS KEYED TO QUESTIONS IN REF A.
INFORMATION WAS OBTAINED FROM GOA OFFICIALS, STUDY OF
AUSTRIAN FOREIGN TRADE STATUTES, AND VARIOUS NON-OFFICIAL
SOURCES. READER SHOULD ALSO NOTE PARAS TWO AND THREE OF
REF B WHICH BEAR DIRECTLY ON THIS MATTER.

2. (1) AUSTRIAN FOREIGN TRADE LAW CONTAINS SIMPLE BREAK-
DOWN OF COMMODITIES BY CATEGORIES (E.G. MILK PRODUCTS)
FOR ISSUANCE OF EXPORT PERMITS, BUT DOES NOT CONTAIN ANY
CATEGORY THAT RELATES TO OUR CONCEPT OF "STRATEGIC GOODS".
NO TECHNICAL PARAMETERS ARE GIVEN AND CATEGORIES ARE BROAD
ENOUGH TO ALLOW ASSIGNMENT OF PERMIT DESIGNATION FOR
ALMOST ANY RELATED ITEM. PERMITS FOR EXPORT ARE ISSUED BY
THE MINISTRY OF TRADE, COMMERCE AND INDUSTRY OR THE
MINISTRY OF AGRICULTURE, AS APPROPRIATE, AND, ALTHOUGH
BASED ON GENERAL TRADE STATUTES WITH MILD LEGAL SANCTIONS,
ARE NOT DESIGNED TO PROVIDE BASIS FOR EXPORT CONTROL IN
SENSE OF SELECTIVE REGULATION OF SPECIFIC TECHNOLOGY.

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ISSUING OFFICE DOES, HOWEVER, MAKE FINAL DETERMINATION AS
TO WHICH CATEGORY ON THE LIST A GIVEN ITEM FALLS IN.
ASSIGNMENT OF GOODS TO EXPORT (OR IMPORT) PERMIT LISTS IS
APPARENTLY DONE FOR VARIOUS REASONS. MANY FOODSTUFFS AND
RAW MATERIALS ARE INCLUDED FOR ECONOMIC POLICY REASONS
(I.E. TO HELP INFLUENCE SUPPLIES AND PRICES). RATIONALE
FOR CERTAIN CATEGORIES SUCH AS SEMICONDUCTORS, TRANSISTORS,

MICROCIRCUITRY, LASERS, ETC., IS LESS CLEAR SINCE SOME OF THESE ITEMS (ESPECIALLY IN MORE TECHNOLOGICALLY SOPHISTICATED FORMS) ARE NOT PRODUCED IN AUSTRIA. TRADE LAW DOES CONTAIN CLAUSE WHICH STATES THAT PERTINENT REGULATIONS OF COUNTRIES TRADING WITH AUSTRIA, E.G., USG REEXPORT

CONTROLS, WILL BE "TAKEN INTO CONSIDERATION."

(2) MINISTRY OF TRADE, COMMERCE AND INDUSTRY: SECTION FOR FOREIGN TRADE AND CUSTOMS.

(3) ALTHOUGH THERE EXISTS A SPECIAL BRANCH WITHIN THE FEDERAL POLICE STRUCTURE CALLED THE "ECONOMIC POLICE", THIS SMALL GROUP USUALLY HANDLES ONLY CASES OF SUSPECTED BUSINESS FRAUD. GOA CUSTOMS OFFICIALS IMPLEMENT CUSTOMS REGULATIONS AND GATHER STATISTICAL INFORMATION ON AUSTRIAN TRADE.

(4) THERE ARE NO CRITERIA OF THIS TYPE IN THE AUSTRIAN TRADE STATUTES. THE TRADE MINISTRY HAS THE COCOM CONTROL LISTINGS BUT OF COURSE DOES NOT RECOGNIZE THESE AS LAW.

(5) GOA OFFICIALS HAVE EXPRESSED SATISFACTION WITH THEIR "CONTROL SYSTEM". MOREOVER, THEY ARE SENSITIVE TO OUTSIDE PRESSURES CONCERNING SELECTIVE CONTROL OF EXPORTS LIMITED OFFICIAL USE

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(OR IMPORTS) AS A MATTER INFRINGING UPON AUSTRIAN NEUTRALITY. WHILE PRIVATELY RECOGNIZING THE USG POSITION IN THIS MATTER, AND OFTEN HELPING IN EXCON INVESTIGATIONS WHERE POSSIBLE WITHOUT DIRECT LEGAL INTERVENTION, GOA OFFICIALS DO NOT CONSIDER EXPORT CONTROLS FOR STRATEGIC GOODS THEIR RESPONSIBILITY. THERE ARE NO MOVES AT PRESENT TO CHANGE THE AUSTRIAN SYSTEM.

(6) ALL U.S. SUBSIDIARIES AND AFFILIATES INCORPORATED UNDER AUSTRIAN LAW ARE SUBJECT TO ALL AUSTRIAN LEGAL CONTROLS. TO OUR KNOWLEDGE, NO DIFFERENTIATION IS MADE, FORMALLY OR DE FACTO, BY THE GOA BETWEEN U.S. OR OTHER COCOM MEMBER COUNTRIES' FIRMS AND INDIGENOUS FIRMS.

(7) N/A

(8) AUSTRIAN TRADE STATUTES DO NOT MAKE GEOGRAPHIC DISTINCTIONS FOR EXPORT CONTROL PURPOSES.

3. RECENT AUSTRIAN LEGISLATION TO CONTROL ARMS AND MUNITIONS EXPORTS IS COVERED IN DETAIL IN REF C. BORG

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